

U.S. Application Serial No. 09/314,819

REMARKS

The present amendment is in response to the Official Action dated April 30, 2004, which largely mirrors the previous rejection articulated in the immediately prior Official Action, dated October 7, 2003, with the exception that the objection raised with respect to 35 U.S.C. §112, second paragraph, has been withdrawn. More specifically, the Examiner has maintained the previously articulated rejection of pending claims 1-37, where 1-16, 19-22, 28, 29 and 32-35 were rejected as being anticipated by Storm et al., US Patent No. 6,144,649; claim 14 was further rejected in view of allegedly admitted prior art in the background of the invention on pages 1-4 from the specification of the present application; and claims 17, 18, 23-27, 30, 31, 36 and 37 were rejected as being unpatentable over Storm et al., '649, in view of allegedly admitted prior art in the background of the invention on pages 1-5. The Examiner has additionally attempted to address applicants' previous remarks in a section entitled response to arguments, however after reviewing the Examiner's remarks, the rejection of the presently pending claims continue to appear to be misplaced.

The applicant continues to assert that the assigning of the finger as taught by and/or suggested in the cited reference is not the same as activating at least one demodulation branch, as provided by the claims of the present application. The Examiner's attempt to equate the two is misplaced and without merit. Such a distinction is directly relevant in the present circumstances, because the independent claims of the present application provides for activating at least one demodulation branch after activating the searcher receiver, either directly or indirectly, where in at least some of the claims, the at least one demodulation branch is activated after a predetermined event, which occurs after the activation of the at least a portion of the searcher receiver. This two staged activation, involving each of the at least a portion of the searcher receiver and the at least one demodulation branch, involves separate activations which occurs at temporally distinct points in time. The cited reference fails to provide for such a teaching.

While the applicant acknowledges that the cited portion of the cited reference addresses assignment of a finger, which the reference expressly identifies as including the slewing of the finger LSGs to bring them into alignment with the pilots and multipath components of interest (col. 9, lines 49-51), the reference is silent as to the temporal relationship of the activation of the at least one fingers (whether it includes one or all of the fingers) and the portion of the circuitry

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involving the searcher receiver. The claim requires that the two be activated at temporally distinct points in time, the reference includes no such teaching and/or suggestion.

The Examiner makes a troubling leap of logic in the Examiner's response to applicants' arguments, which is not supported by any identified statement or fact. Specifically, the Examiner asserts that assigning the branch precedes the activation. Such a statement flies in the face of common sense. Still further the Examiner has provided no support and/or basis for such a statement. Such a statement implies a fundamental misunderstanding between the applicant and the examiner, and the respective understanding of the claims as presently worded. The applicant's position is quite the opposite, in so far as the applicant would alternatively suggest that a branch could only be assigned after it has already been activated.

The applicant would request that the examiner consider the portion of the text of the present application, which starts at page 11, line 28, and continues through page 12, line 5. From the identified language, it becomes clear that activation in at least one preferred embodiment involves the selective application of a clock signal to the various distinct circuit elements, which is consistent with migrating the circuit elements between a lower power sleep-type state (i.e. inactive state), and a higher power non sleep-type state (i.e. an active state) (see page 11, lines 13-18).

Because the Examiner has failed to address the previously identified deficiency of the alleged teaching of the cited references relative to the claims, in so far as the cited references are silent as to the temporally distinct activation of circuit elements, wherein the activation of correspondingly claimed circuit elements occurs after the activation of other distinct claimed circuit elements. Consequently, the Examiner has failed to show how the reference teaches each and every limitation of the claim, which is minimally required in support of rejection based upon anticipation and/or obviousness.

Consequently the applicants would contend, that the claims are allowable over the prior art of record for the reasons noted. The applicants would request that the Examiner reconsider the claims in view of the above noted reasons. Allowance of the application is respectfully requested.

In the event, that there are any remaining unresolved issues precluding the issuance of the present application after consideration of the present response, before issuing a further rejection,

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the Examiner is respectively requested to contact the applicants' agent at the below listed number to discuss the same.

Respectfully submitted,

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